REMARKS

Upon entry of this amendment, claims 62-70, 73-78, 81-88, 91-99, 135, and 136 will be pending in the application. Claims 62, 64, 66, 67, 68, 69, 73, 75, 77, 78, 81, 83, 85, 86, 87, 88, 91, 93, 95, 96, 97, 98, and 99 are amended to clarify antecedent bases within the claims without altering the scope of the claims. Claims 63, 74, 82, 92 are amended to remove Markush claim language. The dependency of claim 94 also has been corrected. Claims 1-61, 71, 72, 79, 80, 89, 90, 100-134, 137, and 138 are canceled. Applicants reserve the right to file one or more future divisional applications to the subject matter of the nonelected claims. No new matter is introduced.

Claims 72, 80, 90, and 101 are provisionally rejected for alleged obviousness-type double patenting over claim 20 of U.S. Appl. Serial No. 10/243,130. Without conceding the propriety of the rejection and in an effort to advance prosecution of the application, claims 72, 80, 90, and 101 have been canceled. Withdrawal of the rejection is requested.

Claims 62-101, 135, and 136 comply with the second paragraph of 35 U.S.C. § 112.

Claims 62-101, 135, and 136 are rejected under the second paragraph of 35 U.S.C. § 112 for alleged lack of clarity in recitation of the term "high affinity" or "titer." Applicants have amended the claims to recite "higher affinity" or "higher titer." Affinity of the antibody for antigen refers to the binding affinity of the antibody for the antigen. *See, e.g.,* Specification, ¶ [0007]. Claim 62 recites a step of "selecting hypermutated hybridoma cells that produce antibodies with higher affinity for said antigen than antibodies produced by said parental hybridoma cells." Claim 81 similarly recites a step of "performing a screen for hypermutated mammalian expression cells that secrete antibodies with higher affinity for antigen as compared to antibodies produced from said hybridoma cells that produce antibodies to said antigen." Claim 91 recites a step of "selecting hypermutated hybridoma cells that produce antibodies with higher affinity for said antigen than antibodies produced by said parental hybridoma cells." A person of ordinary skill in the art would be able to interpret the metes and bounds of the amended claims in view of the recitation in the claims of a *higher* affinity of antibodies produced by one cell type relative to another cell type recited by the respective claim. Withdrawal of the rejection on that basis is thus respectfully requested.

Titer of an antibody-producing cell refers to antibody production or yield by the cell and is distinct from binding affinity of an antibody for antigen. *See, e.g.,* Specification, ¶¶ [0007], [0008]. Amended claim 66 recites a step of "screening for hypermutated hybridoma cells that also produce antibodies in higher titers than said parental hybridoma cells." Amended claim 73 recites a step of "selecting hypermutated hybridoma cells that produce higher titers of antigen-specific antibodies than said parental hybridoma cells." Amended claim 85 recites a step of "performing a screen for hypermutated mammalian expression cells that also produce antibodies in higher titers than said hybridoma cells that produce antibodies to said antigen." Amended claim 96 recites a step of "screening for hypermutated mammalian expression cells that produce a higher titer of antibodies than said parental mammalian expression cells." The claim language is such that a person of ordinary skill in the art could interpret the metes and bounds of the claim. Withdrawal of the rejection is thus respectfully requested.

Claims 62-71, 73-79, 81-89, 91-101, 135, and 136 are patentable over the Borrebaeck reference in view of the Yelton reference, the Zan reference, and WO02/054856 to Nicolaides et al.

Claims 62-101, 135, and 136 are rejected for alleged obviousness over Borrebaeck, *Adv. Drug Delivery Reviews*, 1988, 2:143-165, in view of the Yelton reference, Zan *et al.*, *Immunity*, 2001, 14:643-653, and WO02/054856 to Nicolaides *et al.* Applicants' respectfully traverse the rejection. To the extent WO02/054856 qualifies as prior art under section 102(e), it does not preclude patentability of the present claims under section 103 because it and the presently claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. § 103(c)(1). Withdrawal of the rejection is respectfully requested.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,

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/ Felicity E. Groth /
Felicity E. Groth
Registration No. 47,042

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439